

105TH CONGRESS
2D SESSION

H. R. 4021

To provide for the exchange of certain land in the State of Washington.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 1998

Mr. HASTINGS of Washington introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the exchange of certain land in the State
of Washington.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Interstate 90 Land Exchange Act of 1998”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.
- Sec. 4. Land exchange.

Sec. 5. Exchange valuation, appraisals, and equalization.

Sec. 6. Miscellaneous provisions.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) certain parcels of private land located in
4 central and southwest Washington are intermingled
5 with National Forest System land owned by the
6 United States and administered by the Secretary of
7 Agriculture as parts of the Mt. Baker-Snoqualmie
8 National Forest, Wenatchee National Forest, and
9 Gifford Pinchot National Forest;

10 (2) the private land is owned by the Plum
11 Creek Timber Company, L.P. in an intermingled
12 checkerboard pattern, with the United States or
13 Plum Creek owning alternate square mile sections of
14 land or fractions of square mile sections;

15 (3) the checkerboard land ownership pattern in
16 the area has frustrated sound and efficient land
17 management on both private land and national for-
18 est land by complicating fish and wildlife habitat
19 management, watershed protection, recreation use,
20 road construction and timber harvest, boundary ad-
21 ministration, and protection and management of
22 threatened and endangered species and old growth
23 forest habitat;

(4) acquisition by the United States of certain parcels of land that have been offered by Plum Creek for addition to the Mt. Baker-Snoqualmie National Forest, Wenatchee National Forest, and Gifford Pinchot National Forest would serve important public objectives, including—

(A) enhancement of public access, aesthetics, and recreation opportunities within or near areas of very heavy public recreational use, including—

(i) the Alpine Lakes Wilderness Area;

(ii) the Pacific Crest Trail;

(iii) Snoqualmie Pass;

(iv) Cle Elum Lake, Kachess Lake, and Keechulus Lake; and

(v) other popular recreation areas along the Interstate 90 corridor east of the Seattle-Tacoma metropolitan area;

(B) protection and enhancement of old growth forests and habitat for threatened, endangered, and sensitive species, including a net gain of approximately 22,000 acres of critical habitat for the northern spotted owl;

(C) consolidation of national forest holdings for more efficient administration and to

1 meet a broad array of ecosystem protection and
2 other public land management goals, including
3 net public gains of approximately 173 miles of
4 stream ownership, 14 miles of the route of the
5 Pacific Crest Trail, 12,800 acres of unroaded
6 land, and 4,000 acres of riparian land; and

7 (D) a significant reduction in administra-
8 tive costs to the United States through—

9 (i) consolidation of Federal land hold-
10 ings for more efficient land management
11 and planning;

12 (ii) elimination of approximately 300
13 miles of boundary identification and post-
14 ing;

15 (iii) reduced right-of-way, special use,
16 and other permit processing and issuance
17 for roads and other facilities on National
18 Forest System land; and

19 (iv) other administrative cost savings;

20 (5) Plum Creek has selected certain parcels of
21 National Forest System land that are logical for
22 consolidation into Plum Creek ownership via a land
23 exchange because the parcels—

24 (A) are intermingled with parcels owned by
25 Plum Creek; and

1 (B)(i) are generally located in less environ-
2 mentally sensitive areas; and

3 (ii) have lower public recreation and other
4 public values;
5 than the Plum Creek offered land;

6 (6) time is of the essence in consummating a
7 land exchange because delays may force Plum Creek
8 to road or log the offered land and thereby diminish
9 the public values for which the offered land is to be
10 acquired; and

11 (7) it is in the public interest to complete the
12 land exchange at the earliest practicable date so that
13 the offered land can be acquired and preserved by
14 the United States for permanent public manage-
15 ment, use, and enjoyment.

16 (b) PURPOSE.—The purpose of this Act is to further
17 the public interest by authorizing, directing, facilitating,
18 and expediting the consummation of the Interstate 90
19 land exchange so as to ensure that the offered land is ex-
20 peditiously acquired for permanent public use and enjoy-
21 ment.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

24 (1) OFFERED LAND.—The term “offered land”
25 means the land described in section 4(b) to be con-

1 veyed into the public ownership of the United States
2 under this Act.

3 (2) PLUM CREEK.—The term “Plum Creek”
4 means the Plum Creek Timber Company, L.P., a
5 Delaware Limited Partnership, or its successors,
6 heirs, or assigns.

7 (3) SECRETARY.—The term “Secretary” means
8 the Secretary of Agriculture.

9 (4) SELECTED LAND.—The term “selected
10 land” means the land described in section 4(c) to be
11 conveyed into the private ownership of Plum Creek
12 under this Act.

13 **SEC. 4. LAND EXCHANGE.**

14 (a) CONDITION.—The exchange directed by this sec-
15 tion shall be consummated if, not later than 180 days
16 after the date of enactment of this Act, Plum Creek offers
17 to transfer to the United States the offered land.

18 (b) CONVEYANCE OF OFFERED LAND BY PLUM
19 CREEK.—In accordance with this Act, Plum Creek shall
20 convey to the United States by deed acceptable to the Sec-
21 retary all right, title, and interest of Plum Creek in and
22 to the following offered land:

23 (1) Certain land comprising approximately
24 6,460 acres and located within the exterior bound-
25 aries of the Mt. Baker-Snoqualmie National Forest,

1 Washington, as generally depicted on a map entitled
2 “Interstate 90 Land Exchange”, dated April 1998.

3 (2) Certain land comprising approximately
4 53,530 acres and located within or adjacent to the
5 exterior boundaries of the Wenatchee National For-
6 est, Washington, as generally depicted on a map en-
7 titled “Interstate 90 Land Exchange”, dated April
8 1998.

9 (3) Certain land comprising approximately 400
10 acres and located within the exterior boundaries of
11 the Gifford Pinchot National Forest, Washington, as
12 generally depicted on a map entitled “Interstate 90
13 Land Exchange”, dated April 1998.

14 (c) CONVEYANCE OF SELECTED LAND BY THE
15 UNITED STATES.—On receipt of title to the offered land,
16 the Secretary shall simultaneously convey to Plum Creek
17 all right, title and interest of the United States, subject
18 to valid existing rights, in and to the following selected
19 land:

20 (1) Certain land administered, as of the date of
21 enactment of this Act, by the Secretary of Agri-
22 culture as part of the Mt. Baker-Snoqualmie Na-
23 tional Forest, Washington, and comprising approxi-
24 mately 12,305 acres, as generally depicted on a map

1 entitled “Interstate 90 Land Exchange”, dated April
2 1998.

3 (2) Certain land administered, as of the date of
4 enactment of this Act, by the Secretary of Agri-
5 culture as part of the Wenatchee National Forest,
6 Washington, and comprising approximately 14,665
7 acres, as generally depicted on a map entitled
8 “Interstate 90 Land Exchange”, dated April 1998.

9 (3) Certain land administered, as of the date of
10 enactment of this Act, by the Secretary of Agri-
11 culture as part of the Gifford Pinchot National For-
12 est, Washington, and comprising approximately
13 13,520 acres, as generally depicted on a map enti-
14 tled “Interstate 90 Land Exchange”, dated April
15 1998.

16 **SEC. 5. EXCHANGE VALUATION, APPRAISALS, AND EQUALI-**
17 **ZATION.**

18 (a) **EQUAL VALUE EXCHANGE.**—

19 (1) **IN GENERAL.**—The values of the offered
20 land and selected land—

21 (A) shall be equal; or

22 (B) if the values are not equal, shall be
23 equalized in accordance with subsection (c).

24 (2) **APPRAISALS.**—The values of the offered
25 land and selected land shall be determined by ap-

1 praisals using nationally recognized appraisal stand-
2 ards, including, to the extent appropriate, the Uni-
3 form Appraisal Standards for Federal Land Acquisi-
4 tions (1992), the Uniform Standards of Professional
5 Appraisal Practice, and section 206(d) of the Fed-
6 eral Land Policy and Management Act of 1976 (43
7 U.S.C. 1716(d)).

8 (3) APPROVAL BY THE SECRETARY.—The ap-
9 praisals, if not completed by the date of enactment
10 of this Act, shall be completed and submitted to the
11 Secretary for approval not later than 90 days after
12 the date of enactment of this Act.

13 (4) RESOLUTION OF DISAGREEMENT.—If the
14 Secretary and Plum Creek are unable to agree on
15 the appraised value of a parcel of land, the appraisal
16 or the appraisal issue in dispute shall be resolved in
17 accordance with section 206(d) of the Federal Land
18 Policy and Management Act of 1976 (43 U.S.C.
19 1716(d)).

20 (b) APPRAISAL ASSUMPTION.—

21 (1) FINDINGS.—Congress finds that—

22 (A) many of the parcels of offered land
23 and selected land are located in areas that have
24 been or may be designated as critical habitat
25 for species determined to be threatened or en-

1 dangered under the Endangered Species Act of
2 1973 (16 U.S.C. 1531 et seq.); and

3 (B) such a designation can make tradi-
4 tional appraisals of land difficult absent specific
5 guidance from Congress due to present and fu-
6 ture uncertainties relating to the duration,
7 scope, and nature of restrictions that may be
8 imposed on the offered land or selected land as
9 a result of such a designation with respect to
10 future timber harvest and other development
11 activities.

12 (2) APPRAISAL AT HIGHEST AND BEST USE
13 VALUE.—In order to ensure the equitable and uni-
14 form appraisal of both the offered and selected lands
15 directed for exchange by this Act, all appraisals
16 under subsection (a) shall determine the highest and
17 best use of the offered land and selected land in ac-
18 cordance with applicable provisions of the Washing-
19 ton State Forest Practices Act, including alternative
20 measures for protecting critical habitat under Wash-
21 ington Administrative Code 222–16–080–(7).

22 (c) APPRAISAL PERIOD.—After the final appraised
23 values of the offered land and selected land or any portion
24 of the land has been approved by the Secretary or other-
25 wise determined under section 206(d) of the Federal Land

1 Policy and Management Act (43 U.S.C. 1716(d)), the ap-
2 praised value shall not be reappraised or updated before
3 consummation of the land exchange under section 4, ex-
4 cept for any adjustments in value as may be required
5 under subsection (d).

6 (d) INTERIM TIMBER HARVEST.—The fair market
7 value of any timber harvested on the offered land or se-
8 lected land (as determined by the appraisal required under
9 subsection (a)) shall be deducted from the final approved
10 appraised value of the land for purposes of value equali-
11 zation under subsection (a).

12 (e) EQUALIZATION IF SURPLUS OF OFFERED
13 LAND.—If the final appraised value of the offered land
14 exceeds the final appraised value of the selected land, the
15 Secretary shall make a cash equalization payment to Plum
16 Creek, subject to the 25 percent limitation under section
17 206(b) of the Federal Land Policy and Management Act
18 of 1976 (43 U.S.C. 1716(d)). However, if the Secretary
19 does not have sufficient funds available to make such a
20 cash equalization payment, the Secretary and Plum Creek
21 shall delete offered land from the exchange on the basis
22 of the appraised value of the various parcels of offered
23 land in order to ensure that the final appraised value of
24 the offered land and the final appraised value of the
25 selected land are approximately equal.

1 (f) EQUALIZATION IF SURPLUS OF SELECTED
2 LAND.—

3 (1) DELETION.—If the final appraised value of
4 the selected land exceeds the final appraised value of
5 the offered land, the Secretary and Plum Creek shall
6 delete selected land from the exchange on the basis
7 of the appraised value of the various parcels of se-
8 lected land in order to ensure that the final ap-
9 praised value of the offered land and the final ap-
10 praised value of the selected land are approximately
11 equal.

12 (2) CASH EQUALIZATION.—At the election of
13 Plum Creek, Plum Creek may receive conveyance of
14 all or part of the selected land that would otherwise
15 be deleted from the exchange under paragraph (1)
16 if Plum Creek equalizes the exchange values by mak-
17 ing a cash equalization payment to the United
18 States. Any cash equalization under this paragraph
19 shall be subject to the 25 percent limitation of sec-
20 tion 206(b) under the Federal Land Policy and
21 Management Act of 1976 (43 U.S.C. 1716(d)).

22 (g) USE OF PROCEEDS BY THE SECRETARY.—In
23 such amounts as are provided in advance in appropriation
24 Acts, the Secretary may use cash equalization payments
25 received by the Secretary under this section for the pur-

pose of purchasing land from willing sellers in the State of Washington for addition to the National Forest System.

SEC. 6. MISCELLANEOUS PROVISIONS.

(a) STATUS OF LAND AFTER EXCHANGE.—

(1) LAND ACQUIRED BY THE SECRETARY.—

(A) IN GENERAL.—Land acquired by the Secretary under this Act shall become part of the Mt. Baker-Snoqualmie Forest, Wenatchee Forest, or Gifford Pinchot National Forests, as determined by the Secretary.

(B) MODIFICATION OF BOUNDARIES.—If any land acquired by the Secretary lies outside the exterior boundaries of the national forests identified in subparagraph (A), the Secretary shall modify the boundaries of the appropriate forest to include the land.

(C) MANAGEMENT.—Land acquired by the Secretary under this Act shall be managed by the Secretary of Agriculture in accordance with the laws and regulations pertaining to the National Forest System.

(D) EFFECT ON COUNTY REVENUES.—The Secretary shall consult with the appropriate committees of Congress and local elected officials in the counties in the State of Washington

1 in which the offered lands are located regarding
2 options to minimize the adverse affect on coun-
3 ty revenues of the transfer of the offered lands
4 from private to Government ownership.

5 (2) LAND ACQUIRED BY PLUM CREEK.—Land
6 acquired by Plum Creek under this Act shall become
7 private land for all purposes of law, unless the pat-
8 ent by which conveyance is made to Plum Creek con-
9 tains a specific reservation.

10 (b) ACCESS TO LAND ACQUIRED BY PLUM CREEK.—

11 (1) PARCELS TO WHICH EXISTING ACCESS IS
12 ADEQUATE.—

13 (A) FINDING.—Except with respect to par-
14 cels of land described in paragraph (2), Con-
15 gress finds that Plum Creek will have adequate
16 post-exchange access to the selected land over
17 existing primary, secondary, or other national
18 forest routes or over existing Plum Creek roads.

19 (B) ROAD CLOSING.—If the Secretary de-
20 termines to close any such existing national for-
21 est road to general public use, the Secretary
22 shall, if requested by Plum Creek—

23 (i) keep the road open for use by
24 Plum Creek; or

1 (ii) if the road is closed, shall, before
2 the road is closed, provide Plum Creek
3 with an alternative access road that is ac-
4 ceptable to Plum Creek.

5 (2) PARCELS NEEDING ADDITIONAL ACCESS.—

6 (A) NEED FOR ADDITIONAL ACCESS.—

7 Congress finds that, with respect to certain par-
8 cels of selected land identified by the Secretary
9 and Plum Creek, the Secretary shall grant post-
10 exchange road access to Plum Creek through
11 adjacent or nearby parcels of National Forest
12 System land that will remain in Federal owner-
13 ship.

14 (B) EASEMENT.—Simultaneously with the
15 conveyance to Plum Creek of the selected land
16 sections identified pursuant to subparagraph
17 (A), the Secretary shall, without consideration,
18 grant Plum Creek a permanent road access
19 easement and preapproved road route through
20 an adjacent or nearby National Forest System
21 land section or sections.

22 (C) EFFECT ON APPRAISALS.—For pur-
23 poses of the appraisals under section 5, the se-
24 lected land sections identified pursuant to sub-

1 paragraph (A) shall be appraised as having
2 available, but unbuilt, road access.

3 (D) CONSTRUCTION STANDARD.—Unless
4 the Secretary requests otherwise or Plum Creek
5 uses its adjacent lands for other than commer-
6 cial timber purposes, roads constructed by
7 Plum Creek on easements granted under this
8 subsection—

9 (i) shall be built to a minimum stand-
10 ard necessary to accommodate ingress and
11 egress for purposes of commercial timber
12 harvest on the adjacent Plum Creek lands;
13 and

14 (ii) shall be closed to public use.

15 (c) ACCESS TO LAND ACQUIRED BY UNITED
16 STATES.—

17 (1) IN GENERAL.—Simultaneously with the
18 transfer of the offered land to the United States,
19 Plum Creek shall grant the United States, without
20 consideration, such permanent easements as may be
21 necessary to secure to the United States access for
22 reasonable public use and enjoyment of the offered
23 lands acquired by the United States.

24 (2) LOCATION.—Unless the Secretary and Plum
25 Creek agree otherwise, an easement under this sec-

1 tion shall be located to the extent practicable along
2 roads that are in existence as of the date of enact-
3 ment of this Act.

4 (d) TIMING.—It is the intent of Congress that the
5 land exchange under this Act be consummated not later
6 than 120 days after the date on which Plum Creek makes
7 the Secretary an offer to exchange under section 3(a), un-
8 less the Secretary and Plum Creek agree to extend the
9 consummation date.

10 (e) WITHDRAWAL OF SELECTED LAND.—

11 (1) IN GENERAL.—Effective until the date de-
12 scribed in paragraph (2), Congress withdraws from
13 all forms of entry and appropriation under the pub-
14 lic land laws (including the mining laws) any parcel
15 of selected land—

16 (A) with respect to which such a with-
17 drawal by the Secretary of the Interior has not
18 been made before the date of enactment of this
19 Act; or

20 (B) with respect to which such a with-
21 drawal that the Secretary of the Interior has
22 made expires before the date described in para-
23 graph (2).

1 (2) DATE DESCRIBED.—With respect to any
2 parcel of land described in paragraph (1), the date
3 described in this paragraph is the date on which—

4 (A) the parcel is deleted from the exchange
5 under this Act; or

6 (B) the land exchange under this Act is
7 consummated.

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